



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/575,048	04/04/2006	Teh-Hsun B. Chen	6395-66078-03	5962		
46135	7590	10/09/2007	EXAMINER			
KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204				RAEVIS, ROBERT R		
ART UNIT		PAPER NUMBER				
2856						
MAIL DATE		DELIVERY MODE				
10/09/2007		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

101575,048

EXAMINER

ART UNIT	PAPER
----------	-------

20071001

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Restart

DETAILED ACTION

In response to applicant's telephonic inquiry regarding the last Office action which addressed an unelected invention, the following corrective action is taken.

Election of III acknowledged. Regarding traversal, Claim 1 employs features (particular retaining member) not in Claim 12, and Claim 12 includes limitations (eg. "reverse") not found in Claim 1. Claims 12 and 34 provide an analogous situation. In addition, please note that 6 pages of IDS suggest that there are many references out there with different features therein, as presumably the many cited references are not duplicative.

Claims 1-11,22-33,38,39 have been withdrawn.

Claims 12-21,34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1,12,34; what does "air" mean? The specification states (p. 5, lines 23-24) that air may "include any gas", which suggests something other (ex.. exhaust gas in an exhaust pipe) than air. Part of the difficulty here is that "the term " includes" means "comprises" " (p. 5, line 18), expressly suggestive that the air may be "any gas". Is this Applicant's intent? Also, what does "conduit" mean? Para 44 (of 20070068223) suggests that lines 48 and 50 are "passageway or conduit". Is there a difference between the two? Isn't a conduit an elongated

tube that has a passageway, and thus is something different from the illustrated passageways 48,50 in the figures? Does the claim mean that it's limited to a retaining member that includes a few tubular members (i.e. conduits) therein? Does the application use the terms passageway and conduit interchangeably, such that a conduit is any passageway (including a passageway in a large block)?

As to claim 15, which of the two air outlet conduits does "the air-outlet conduit" refer back to? One, the other, or both, or either?

As to claim 22, what does "air" mean? The specification states (p. 5, lines 23-24) that air may "include any gas", which suggests something other (ex.. exhaust gas in an exhaust pipe) than air. Part of the difficulty here is that "the term " includes" means "comprises" " (p. 5, line 18), expressly suggestive that the air may be "any gas". Is this Applicant's intent?

As to claim 30, "the analysis" can be the same as the "analysis" (of claim 22), as the "analysis" of claim 22 is of "the particles" (last line of claim 22) that were separated in the first collection vessel. In effect, the particles that are "still in the second collection vessel" are not "the particles separated from the air" (of last line of claim 22), as all of the particles exiting the first collection vessel (and thus those that "are separated from the air" of claim 1) are not "still in the second collection vessel" (last line of claim 30). Possibly, "27" (line 1) should read – 29 --.

As to claim 38, "microcentrifuge tube" lacks antecedent basis.

As to claim 34, what does "*airborne*" (italics added) mean? Is air really air?

As to claim 36, what does "conduit" mean? Does it mean a passageway, or are there really two tube/lines within the fitting?

As to claim 39, "the cyclone device" lacks antecedent basis.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Definition of "microcentrifuge tubes", p. 3 of
http://en.wikipedia.org/wicki/Laboratory_centrifuge.

The period for reply of 3 MONTHS set in said Office Action is restarted to begin with the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevs whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 5:30am to 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert
RAEV